

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 4549 OF 2006.

Amarsingh A. Rane ..Petitioner
V/s
The State of Maharashtra & Ors. ..Respondents.

Mr. V.V. Pai for the petitioner.

Mr. C.R. Sonawane, AGP for the respondent Nos. 1 to 3
and 5

**CORAM : B.H. MARLAPALLE &
J.H. BHATIA, JJ.**

DATE : 19TH DECEMBER, 2006.

P.C.

. Heard Mr. Pai, the learned Counsel for the petitioner, who is taking exception to the communication dated 2/9/2005 addressed by the District Rehabilitation Officer, Kolhapur, through Additional Secretary General Administration Department, Government of Maharashtra with a copy to the petitioner. In the said communication, the District Rehabilitation Officer, submitted that the petitioner could not be called as project affected person.

2. As per the petitioner land admeasuring 2 acres

and 9 gunthas from survey No. 511 of Village Gargoti, Tal Bhudhargad, District Kolhapur was acquired in the year 1967 for construction of State Transport Corporation Depott., as well as Bus stand. The petitioner states that the said land was acquired from the holdings of his grand father i.e. Ramchadnra Kandiba @ Balu and by relying upon the Government Resolution dated 21/1/1980, he claimed for benefits available to the project affected persons for implementation under the State, the State undertakings or similar establishments. The District Rehabilitation Officer has filed his affidavit in reply and stated that the petitioner cannot be called as project affected person as defined under Section 2(10) (a) of the Maharashtra Project Affected Aersons Rehabilitation Act, 1999.

3. The impugned communication states that the land was acquired in 1967 and from the holdings of the petitioner's grand father, the status of being a project affected person cannot be obtained by succession by generation and generations. If the petitioner's father had claimed such a status there could be a different view. Admittedly, the petitioner was born in the year

1982 i.e. after about 15 years from the time the land was acquired. Thus, the view taken by the District Rehabilitation Officer, not to treat the petitioner as the project affected person cannot be said to be perverse or grossly erroneous.

4. Mr. Patil invited our attention to the definition of term "projected affected persons" in the G.R. dated 20/1/1980. We have no dispute with the said definition and we are satisfied that the petitioner in the instant case cannot claim the status of being a project affected person when admittedly, the land was taken from the possession of the grand father and much before he was born.

5. The petition is therefore, rejected summarily.

(J.H. BHATIA, J.)

(B.H. MARLAPALLE, J.)

